

FROM : AGTECH PRODUCTS INC

FAX NO. : 2625212442

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): REHBERGER et al.

Art Unit: 1651

Serial No. 09/912,049

Examiner: Irene Marx

Filed: July 24, 2001

For: *Direct-Fed Microbial*

Confirmation No. 4550

Attorney Docket No. AGP-32506

Customer No. 22202

RULE 132 DECLARATION OF THOMAS G. REHBERGER

I, THOMAS G. REHBERGER, the undersigned Declarant, do hereby state and declare that:

1. I am intimately familiar with the invention described and claimed in the above-identified patent application. I am a co-inventor of the invention described and claimed herein.
2. From 1993 to the present, I have been a Partner and Vice-President of Agtech Products, Inc. I received my B.S. in Biological Sciences from Iowa State University in 1982. I received my Ph.D. in Food Microbiology from Iowa State University in 1988. My *curriculum vitae* is attached hereto as Exhibit A and incorporated herein by reference. I am one skilled in the art of the instant patent application.
3. Indefiniteness: Claim 78 of the above-reference patent application requires "wherein the bovine is fed the microorganism until populations of  $10^5$  to  $10^8$  CFU/ml ruminal fluid are established in the rumen of the bovine." It is my opinion, as one skilled in the art to which the invention pertains, that others skilled in the art would, in light of the specification, interpret the claim as being definite and know how long to feed the bovine and how much microorganism to feed the bovine to establish this population range.

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4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1002 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this Rule 132 Declaration is directed.

Dated: Nov. 1, 2004

Thomas Rehberger  
THOMAS G. REHBERGER

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